

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

IN THE MATTER OF:

CHAPTER 13 CASE NO.:

ASHLEY R. NICHOLS

25-12210-JDW

RESPONSE TO MOTION TO IMPOSE AUTOMATIC STAY

COMES NOW Locke D. Barkley, Chapter 13 Trustee (the “Trustee”), by and through counsel, and files this response to the Motion to Impose Stay (Dkt. #6) (the “Motion”) filed by the Debtor and in support states as follows:

1. This is the Debtor’s third Chapter 13 case filed since August 12, 2024. The two (2) previous cases were dismissed for failure to make plan payments¹.

2. The Trustee takes no position on whether or not the automatic stay of §362(a) should be imposed; however, the Trustee requests that the case be made subject to the following provisions: (a) should the Debtor become sixty (60) days or more delinquent from and after August 1, 2025, the case may be dismissed without notice or hearing and (b) that the Debtor shall be ineligible to be a debtor in any bankruptcy case in any district for a period of one-hundred and eighty (180) days should the case be dismissed for any reason, including, but not limited to, voluntary dismissal or dismissal by agreement.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that any final order entered by this Court on the Motion requires compliance with the provisions requested above by the Trustee. The Trustee prays for other such general and specific relief to which the Trustee and this bankruptcy estate may be entitled.

¹ *In re Ashley Ray Nichols*, 24-12394-JDW, filed on August 12, 2024, dismissed on December 19, 2024, and *In re Ashley Ray Nichols*, 25-10344-JDW, filed on February 3, 2025, dismissed on May 16, 2025.

Dated: July 22, 2025.

Respectfully submitted,

LOCKE D. BARKLEY
CHAPTER 13 TRUSTEE

By: /s/ Melanie T. Vardaman
ATTORNEYS FOR TRUSTEE
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CERTIFICATE OF SERVICE

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: July 22, 2025.

/s/ Melanie T. Vardaman
MELANIE T. VARDAMAN